

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GAF MANUFACTURING LLC,

Plaintiff,
v.

CORMA, INC.,

Defendant.

ORDER

16-cv-409-jdp

Plaintiff GAF Manufacturing LLC brings this civil action under 28 U.S.C. § 1332(a), alleging subject matter jurisdiction on the basis of diversity of citizenship. Dkt. 1. However, because the allegations in the complaint are insufficient to determine if the parties are truly diverse, the court will give GAF Manufacturing an opportunity to file an amended complaint containing the necessary factual allegations to establish diversity jurisdiction.

ANALYSIS

“Federal courts are courts of limited jurisdiction.” *Int’l Union of Operating Eng’rs, Local 150, AFL-CIO v. Ward*, 563 F.3d 276, 280 (7th Cir. 2009). Because jurisdiction is limited, federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.” *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010). Unless a complaint alleges complete diversity of citizenship among the parties and an amount in controversy exceeding \$75,000, or raises a federal question, the case must be dismissed for want of jurisdiction. *Smart v. Local 702 Int’l Bhd. of Elec. Workers*, 562 F.3d 798, 802 (7th Cir. 2009). Further, the party seeking to invoke federal jurisdiction, in this case GAF Manufacturing, bears the burden of establishing jurisdiction. *Smart*, 562 F.3d at 802-03.

GAF Manufacturing is a limited liability company, or an LLC. “[T]he citizenship of an LLC is the citizenship of each of its members.” *Camico Mut. Ins. Co. v. Citizens Bank*, 474 F.3d 989, 992 (7th Cir. 2007). However, GAF Manufacturing has not alleged the citizenship of its members, making it impossible to determine whether they are completely diverse from defendant Corma, Inc. GAF Manufacturing alleges only that its members are *not* citizens of Canada, the country of Corma’s citizenship. Dkt. 1, at 1. But if any of GAF Manufacturing’s members are citizens of another foreign state, then “aliens would be on both sides,” and the parties would not be completely diverse. *Intec USA, LLC v. Engle*, 467 F.3d 1038, 1043 (7th Cir. 2006).

Before dismissing this action for lack of subject matter jurisdiction, the court will give GAF Manufacturing an opportunity to file an amended complaint that establishes subject matter jurisdiction by alleging the names and citizenship of each of its members. In alleging its citizenship, GAF Manufacturing should be aware that if any of its members are themselves limited liability companies, partnerships, or other similar entities, then the citizenship of those members and partners must be alleged as well. *See Meryerson v. Harrah’s E. Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (per curiam) (“[T]he citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.”).

ORDER

IT IS ORDERED that plaintiff GAF Manufacturing LLC has until July 20, 2016, to file an amended complaint establishing complete diversity of citizenship. If it fails to timely

and adequately do so, the court will dismiss the case for lack of subject matter jurisdiction.

Entered July 6, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge